

WATERS KRAUS & PAUL  
INGRID M. EVANS (179094)  
ievans@waterskraus.com  
DAVID L. CHENG (240926)  
dcheng@waterskraus.com  
601 Van Ness Avenue, Suite 2080  
San Francisco, CA 94102  
Telephone: 415/296-6060  
214/777-0470 (fax)

BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.  
ANDREW S. FRIEDMAN (*Pro Hac Vice admission*)  
afriedman@bffb.com  
KIMBERLY C. PAGE (*Pro Hac Vice admission*)  
kpage@bffb.com  
2901 N. Central Avenue, Suite 1000  
Phoenix, AZ 85012  
Telephone: 602/274-1100  
602/274-1199 (fax)

Attorneys for Plaintiff and the Putative Class

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAPHNE P. RAND, by and through DEBRA  
J. DOLCH, as Conservator of the Person and  
Estate of DAPHNE P. RAND, Conservatee,  
on Behalf of Themselves and All Others  
Similarly Situated.

Plaintiff,

vs.

AMERICAN NATIONAL INSURANCE  
COMPANY, a Texas corporation.

Defendant.

Case No. CV 09 0639 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER GRANTING DEFENDANT'S  
HEARING RE MOTION TO DISMISS TO  
BE MOVED TO JULY 31, 2009**

Judge Susan Illston

Action Filed: 02/12/09

WHEREAS, Defendant American National Insurance Company ("Defendant") filed its  
Renotice of Motion and Motion to Dismiss for Failure to State a Claim Upon Which Relief Can  
Be Granted [FRCP 12(b)(6)] on April 28, 2009 ("Renoticed Motion to Dismiss");

1 WHEREAS, Plaintiff has filed her Opposition to the Renoticed Motion to Dismiss on June  
2 4, 2009, and Defendant has filed its Reply on June 12, 2009;

3 WHEREAS, the Renoticed Motion to Dismiss currently is set to be heard on June 26,  
4 2009, in Department 10 at 9:00 a.m.;

5 WHEREAS, the parties have agreed to move the hearing date of the Renoticed Motion to  
6 Dismiss to July 31, 2009, in Department 10, at 9:00 a.m.

7 THEREFORE, it is hereby stipulated between the undersigned parties, through their  
8 counsel of record, that the hearing on Defendant's Renoticed Motion to Dismiss shall be moved to  
9 be heard on July 31, 2009, in Department 10, at 9:00 a.m.

10 IT IS SO STIPULATED:  
11

12 DATED: June 24, 2009

13 WATERS KRAUS & PAUL

14 By: /s/

15 INGRID M. EVANS

16 Attorneys for Plaintiff DAPHNE P. RAND, by and  
17 through DEBRA J. DOLCH, as Conservator of the  
18 Person and Estate of DAPHNE P. RAND, Conservatee

19 DATED: June 24, 2009

20 WILSON ELSEER MOSKOWITZ EDELMAN & DICKER


21 By: /s/

22 THOMAS M. HERILHY

23 Attorneys for Defendant AMERICAN NATIONAL  
24 INSURANCE COMPANY

25 IT IS SO ORDERED.

26 DATED: \_\_\_\_\_

27 By:   
28 The Honorable Susan Illston  
District Court Judge

**PROOF OF SERVICE**

*Daphne P. Rand, et al. v. American National Insurance Company, et al*  
Case No. CV 09 0639 SI

I, Teri Sweet, am over eighteen years of age and not a party to the within action; my business address is 3219 McKinney Avenue, Dallas, TX 75204. I am employed in Dallas County, Texas.

I hereby declare that on this date (June 24, 2009), I electronically filed:

**STIPULATION AND [PROPOSED] ORDER GRANTING DEFENDANT'S  
HEARING RE MOTION TO DISMISS TO BE MOVED TO JULY 31, 2009**

☒ With the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Andrew Mytelka  
Joseph R. Russo  
Greer, Herz & Adams, L.L.P.  
One Moody Plaza, 18<sup>th</sup> Floor  
Galveston, TX 77550

John C. Ferry  
Shivani Nanda  
Thomas M. Herlihy  
Wilson Elser Moskowitz Edelman & Dicker  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, CA 94102-2725

☒ **(BY MAIL)** I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail in **Dallas, Texas**. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with the postage thereon fully prepaid at **Dallas, Texas** in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more that one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of Texas that the above is true and correct. Executed on June 24, 2009, at Dallas, Texas.

  
Teri Sweet